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STATE OF CALIFORNIA

Energy Resources Conservation And Development Commission

In the Matter of:) Docket No. 01-AFC-1
)
APPLICATION FOR CERTIFICATION) APPLICANT'S STATUS REPORT,
FOR THE FPL ENERGY SACRAMENTO) NUMBER 4
POWER, LLC RIO LINDA/ELVERTA)
POWER PROJECT (RIO LINDA))
_____)

The Rio Linda/Elverta Power Project Committee's September 18, 2001 **Committee Order Suspending Scheduling** directed the parties to continue to file monthly status reports until the Committee directs otherwise. The following is the Applicant's progress since the filing of Applicant's Status Report, Number 3.

The Committee's Order Suspending Scheduling

On September 18, 2001, the Committee suspended scheduling on the Rio Linda Project subject to the Applicant petitioning the Committee to issue a revised or interim scheduling order at any time after providing Staff with the following information:

1. complete answers to Staff's unobjectionable second round of data requests, issued on August 8, 2001 [sic.]¹
2. an AFC Supplement; and
3. a Preliminary Determination of Compliance (PDOC) from the Sacramento Municipal Air Quality Management District (SMAQMD).

Since the issuance of the Committee's Order, Applicant has been continuing in its efforts to provide this information to Staff.

Data Requests

Applicant continues to prepare responses to the Staff's unobjectionable second round of data requests (numbered 92-234). On September 10, 2001, Applicant filed objections to several of these requests. As the Committee noted in its Order, it expects that the objections will be resolved through workshops and consultations between the parties short of any specific action by the Committee. *See* Committee Order at 1 n.1. Applicant desires to resolve these objections informally and will continue to work with Staff on the data request responses. Applicant expects to file its responses to these data requests in conjunction with the filing of the AFC Supplement so that the responses can reference and incorporate the material submitted in the Supplement. Where a data request is no longer directly on point due to incorporation of mitigation or other change as reflected in the Supplement, Applicant will nonetheless endeavor to provide information of the same nature as that requested, tailored to the project reflected in the Supplement.

AFC Supplement

Applicant continues to prepare its AFC Supplement and to address, in the

¹ Applicant received the Staff's second round of data requests, dated August 28, 2001, electronically on August 29, 2001. Applicant assumes that the August 8 reference in the Committee's Order is a typographical error.

Supplement, the concerns identified by Staff in the Data Response Workshop for requests 1 through 91 (plume abatement of the cooling tower, visual impacts relating to the turbine hall, noise impacts at certain residences, and water supply). As described in previous status reports, in response to these issues, Applicant will make some changes to the design of the proposed project. Applicant is also including additional information in the Supplement relating to the interconnection configuration preferred by the Western Area Power Administration. Finally, where relevant to the mitigations or other changes presented in the Supplement, Applicant will address issues raised in data requests 92-234, including water supply, that were discussed in the Data Requests/Issues Resolution Workshop held on September 12, 2001.

Preliminary Determination of Compliance

Proposed amendments to Rule 202 of the Sacramento Metropolitan Air Quality Management District (SMAQMD) will affect the quantification of emission reduction credits (ERCs) required for the RLEPP, and more specifically, the degree to which ERCs must correspond to the calendar quarter in which the emissions occur. The District Board is scheduled to consider the proposed amendments on October 25, 2001. Meanwhile, Applicant is preparing additional information requested by the SMAQMD. (Pursuant to Data Request 110, this information will also be submitted to CEC staff.) Following adoption of the amendments to Rule 202 and submission of the additional information requested by the SMAQMD, Applicant anticipates that the PDOC will issue in November 2001.

Applicant met with the United States Environmental Protection Agency on September 28, 2001 to discuss ERCs, and it is anticipated that there will be further meetings which may also include the SMAQMD and other air districts within the air basin. It is expected that EPA will comment formally once the PDOC is issued.

Sacramento County Hearings

Applicant continues to work with the County of Sacramento regarding consistency with the County's current zoning, a zoning agreement, the Rio Linda/Elverta Community Plan, and the County's General Plan. At a hearing before the County Board of Supervisors on August 29, 2001, the Board heard presentations and testimony the County Planning and Community Development Department and County Counsel's Office, CEC staff, the CPAC, the Applicant and the public. However, the Board was uncertain as to the scope of the decision needed for the CEC process and the degree to which any such decision must address the numerous policies contained in the county's zoning plans. The Board requested Planning Department staff work with CEC staff to clarify the scope and timing of Board decisions and continued the matter until October 3, 2001.

On September 28, 2001, the County Planning and Community Development Department issued a memorandum to the Board of Supervisors suggesting a tiered approach the Board might take in making a consistency determination. The Board will consider that memorandum in a meeting in November 2001. Applicant is continuing to work with Staff and CPAC on the consistency issues the Board will consider in November.

September 12, 2001 Data Requests/Issues Workshop

On September 12, 2001, Applicant participated in the Data Requests/Issues Resolution Workshop. Discussion at the Workshop will be factored into Applicant's responses to data requests 92 -234. Also, as noted above, where relevant to the mitigations or other changes presented in the Supplement, Applicant will address in the Supplement the issues raised in the data requests or in the discussion at the Workshop. Finally, at the workshop, Applicant made a general presentation regarding the changes to water supply that it intends to incorporate in the project to address concerns raised by staff and members of the public. Although this was in advance of the Supplement and not

in as great detail as will be covered in the Supplement, Applicant believed that it was important to initiate dialogue on these changes at the earliest possible time. Applicant appreciated the input of staff at the Workshop, understands that these were preliminary reactions, and looks forward to continued discussion regarding modeling and other analyses required. Applicant believes that the quality of the Supplement will be greatly enhanced through continued dialogue regarding these issues.

DATED: October 1, 2001

Respectfully Submitted,

Kathleen A. Kenealy
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STATE OF CALIFORNIA

**Energy Resources Conservation
and Development Commission**

In the Matter of:)	Docket No. 01-AFC-1
)	
Application for Certification for the FPLE Energy Sacramento Power, LLC RIO LINDA/ELVERTA POWER Project (RLEPP))	PROOF OF SERVICE

I, Stella Jaranilla, declare that on October 1, 2001, I served a copy of the attached APPLICANT'S STATUS REPORT, NUMBER 4 electronically and by Federal Express by depositing such envelope in a facility regularly maintained by Federal Express with delivery fees fully provided for or delivered the envelope to a courier or driver of Federal Express authorized to receive documents at Weston, Benshoof, Rochefort, Rubalcava & MacCuish LLP, 333 South Hope Street, 16th Floor, Los Angeles, California 90071 with delivery fees fully provided for and addressed to the following:

DOCKET UNIT

Send the original signed document plus the required 12 copies to the address below:

**CALIFORNIA ENERGY COMMISSION
DOCKET UNIT, MS-4
Attn: Docket No. 01-AFC-1
1516 Ninth Street
Sacramento, CA 95814-5512**

* * * *

In addition to the document served to the Commission Docket Unit, I also served individual copies of the same document by First Class Mail enclosing the document in a sealed envelope on the following parties. I am "readily familiar" with this firm's practice for the collection and the processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, the correspondence would be deposited with the United States Postal Service at 333 South Hope Street, 16th Floor, Los Angeles, California 90071 with postage thereon fully prepaid the same day on which the correspondence was placed for collection and mailing at the firm. Following ordinary business practices, I placed for collection and mailing with the United States Postal Service such envelope at Weston, Benshoof, Rochefort, Rubalcava & MacCuish LLP, 333 South Hope Street, 16th Floor, Los Angeles, California 90071.

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I declare under penalty of perjury that the foregoing is true and correct. Executed this 1st day of October, 2001 at Los Angeles, California.

Stella Jaranilla